

**AGENDA**

**FLOWER MOUND TOWN COUNCIL REGULAR MEETING**

**7/15/2019**

**FLOWER MOUND TOWN HALL, 2121 CROSS TIMBERS ROAD  
FLOWER MOUND, TEXAS**

**6:00 P.M.**

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An agenda information packet is available online at [www.flower-mound.com/AgendaCenter](http://www.flower-mound.com/AgendaCenter)  
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*Please silence or turn off all electronic devices in Jody Smith Hall*

**A. CALL MEETING TO ORDER**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND TO THE TEXAS FLAG**

*"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."*

**D. PRESENTATIONS**

1. Certificate of Achievement for Abhijay Kodali 2019 Scripps National Spelling Bee Co-Champion

**E. PUBLIC COMMENT**

To speak to Council during public comment, please fill out a [comment form](#).

- Turn in form by 6:10 p.m. to Town Secretary
- Speakers are limited to 3 minutes, a tone will sound at 30 seconds left and when time has expired
- Please state your name and address when speaking

The purpose of this item is to allow the public an opportunity to address the Town Council on issues that are not indicated as a "Public Hearing" on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972-874-6000 during business hours.

**F. ANNOUNCEMENTS**

1. Announce recent and upcoming civic and social events.

**G. TOWN MANAGER'S REPORT**

Update and discussion on:

1. Capital improvement projects
2. Economic Development projects

**H. FUTURE AGENDA ITEMS**

The purpose of this item is to allow the Mayor and members of Council an opportunity to bring forward items they wish to discuss at a future meeting, with the understanding a consensus of Council is needed in order for that item to be placed on a future agenda and in accordance with the Town Council Agenda Setting Policy (Ord. 65-15).

**I. COORDINATION OF CALENDARS**

1. A regular meeting is scheduled for Monday, August 5.
2. Discuss and consider date option for joint work session with Parks Board.

**J. CONSENT ITEMS**

This part of the agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from Consent by any Councilmember by making such request prior to a motion and vote.

1. Minutes 6/17- Consider approval of the minutes from a regular meeting of the Town Council held on June 17, 2019.
2. Minutes 6/21- Consider approval of the minutes from a Strategic Planning Session of the Town Council held on June 21, 2019.
3. 2nd FY 18-19 Budget Amendment- Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2018, and ending on September 30, 2019, as adopted by Ordinance No. 30-18 and amended by Ordinance No. 39-18 for adjustments to the General Fund and Technology Replacement Fund.
4. Town Hall Change Order 1- Consider approval of Change Order No.1 for the Town Hall project, to the Construction Agreement with Steele Freeman Inc., in the amount of \$40,085.73; and authorization for the Mayor to Execute same on behalf of the Town.
5. Railroad Commission Consent Order- Consider approval of a Railroad Commission of Texas Agreed Settlement and Consent Order resulting from an expired utility locate while conducting a water line repair on January 7, 2019; and authorization for the Mayor to execute same on behalf of the Town.
6. UPRR Agreement for Canyon Falls- Consider approval of a Resolution and Agreement with the Union Pacific Railroad to pay for work required for train preemption of the traffic signal at US 377 and Canyon Falls Drive and authorization for the Mayor to execute the same on behalf of the Town.
7. Axon Master Service Agreement Amendment- Consider approval of an amendment of the Axon Enterprise, Inc, Master Service Agreement, for the acquisition of in car video camera products and storage; and authorization for the Mayor to execute same on behalf of the Town.
8. International Building Code - 2018- Consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article II, of the Code of Ordinances of the Town of Flower Mound, to provide for the adoption of the 2018 edition of the International Building Code and local amendments thereto.
9. International Plumbing Code - 2018- Consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article III, of the Code of Ordinances of the Town of Flower Mound, to provide for the adoption of the International Plumbing Code, 2018 edition, and the International Fuel Gas Code, 2018 edition and local amendments thereto.
10. International Mechanical Code - 2018- Consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article IV, of the Code of Ordinances of the Town of Flower Mound, to provide for the adoption of the International Mechanical Code, 2018 edition, and local amendments thereto.

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11. International Residential Code - 2018- Consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article XIV, of the Code of Ordinances of the Town of Flower Mound, to provide for the adoption of the International Residential Code, 2018 edition, and local amendments thereto.
12. International Energy Consv Code - 2018- Consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article XV, of the Code of Ordinances of the Town of Flower Mound, to provide for the adoption of the International Energy Conservation Code, 2018 edition, and local amendments thereto.
13. International Fire Code - 2018- Consider approval of an ordinance amending Chapter 38 of the code of ordinances, entitled "Fire Prevention and Protection" to provide for adoption of the International Fire Code, 2018 edition and local amendments thereto.
14. Upper Timber Creek Emergency Repair- Consider approval of emergency expenditures with Excel Aircraft LLC dba Excel Trenching, for the emergency repair of the Timber Creek Aerial Sanitary Sewer Crossing, in the amount of \$116,100.00.
15. Upper Timber Creek Testing Award- Consider approval of a Professional Services Agreement with ECS Southwest LLC, to provide construction materials engineering and testing, for the Upper Timber Creek Interceptor Phase III & IV project, in the amount of \$61,990.00; and authorization for the Mayor to execute same on behalf of the Town.
16. FM1171@River Walk Intersection Const- Consider approval of a Construction Agreement with XIT Paving & Construction, Inc., for the FM 1171 at River Walk Drive Intersection Improvements project, in the amount of \$473,519.25; and authorization for the Mayor to execute same on behalf of the Town.
17. Green Ribbon Phase I - AFA- Consider approval of a Local Project Advance Funding Agreement, for Voluntary Local Government Contributions to Transportation Improvement Projects, with the Texas Department of Transportation (TxDOT) to pay for work required to complete the FM 1171 TxDOT Green Ribbon Project, in the amount of \$18,853.29; and authorization for the Mayor to execute the same on behalf of the Town.

### K. REGULAR ITEMS

18. MPA - Highland Pointe Park- **Public Hearing** to consider a request for a Master Plan Amendment (MPA18-0007- Highland Pointe Park) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Medium Density Residential to Retail uses, and consider adopting an ordinance providing for said amendment. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road. (The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its May 13, 2019, meeting.)
19. ZPD - Highland Pointe Park PD-19- **Public Hearing** to consider a request for rezoning (ZPD18-0011 - Highland Pointe Park) to amend Planned Development District No. 19 (PD-19) with Office District (O) uses to Planned Development District No. 19 (PD-19) with Retail District-2 (R-2) uses on certain tract of land, to add the conceptual plans and elevations, to modify the development standards, request an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, and request certain modifications and exceptions to the Code of Ordinances as related to the subject property, and consider adopting an ordinance providing for said amendment. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road. (The Planning & Zoning Commission recommended approval by a vote of 7 to 0 at its May 13, 2019, meeting.)

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Applicant requests postponement

20. DP19-0002 Magnolia Court- Consider a request for a Development Plan (DP19-0002 – Magnolia Court) to develop a residential subdivision. The property is generally located on the northwest corner of Gerault Road and Spinks Road. (The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its June 24, 2019, meeting.)
21. Z19-0002 - Conservatory Estates- **Public Hearing** to consider a request for rezoning (Z19-0002 – Conservatory Estates) from Planned Development District No. 140 (PD-140) for a cluster development to Agricultural District (A), and to consider adopting an ordinance providing for said amendment. The property is generally located west of Freeman Road and north of Cross Timbers Road. (The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its June 24, 2019, meeting.)
22. SUP19-0002 Lakeside Crossing Bldg 5- **Public Hearing** to consider a request for a Specific Use Permit No. 457 (SUP19-0002 – Lakeside Crossing Building 5) to permit a pharmacy, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Lakeside Parkway along and between Long Prairie Road and Northwood Drive. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 10, 2019, meeting) (The Town Council moved on June 17, 2019 to postpone until the July 15, 2019, meeting)
23. SP19-0001 Lakeside Crossing Bldg 4&5- Consider a request for a Site Plan (SP19-0001 Lakeside Crossing Buildings 4 & 5, Phase 2) to develop two retail buildings. The property is generally located south of Lakeside Parkway along and between Long Prairie Road and Northwood Drive. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its June 10, 2019, meeting) (The Town Council moved on June 17, 2019 to postpone until the July 15, 2019, meeting)
24. Certificates of Obligations, Series 2019- Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2019, establishing parameters for the sale and issuance of such bonds, delegating certain matters to an authorized official of the Town and resolving all matters incident and related thereto.
25. River Walk PID Bond Refunding- Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Special Assessment Revenue Refunding Bonds, Series 2019 (River Walk Public Improvement District No. 1), establishing parameters and delegating matters relating to the sale and issuance of said bonds to an authorized Town official; and approving and authorizing related agreements.
26. Strategic Planning Report- Consider adoption of the Town Council 2019 Strategic Planning Session Summary Report.

### L. **BOARDS/COMMISSIONS** *(Bold text represents boards with vacancies)*

#### Pre-Council Room

Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: **Animal Services Board**, Cultural Arts Commission, Environmental Conservation Commission, Parks Board, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

**M. CLOSED MEETING**

The Town Council to convene into closed meeting pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, 551.074, and 551.087 for consultation with attorney, and to discuss matters relating to real property, personnel, and economic development negotiations, as follows:

- a. Consultation with Attorney.
  1. Senate Bill 1152, relating to the payment of certain fees to municipalities by entities that provide telecommunications and cable or video services.
  2. Lakeside Crossing 380 Agreement.

**Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda.**

- b. Discuss and consider purchase, exchange, lease or value of real property for parks and/or other municipal purposes and all matters incident and related thereto.
- c. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: **Board of Adjustment/Oil & Gas Board of Appeals**, Community Development Corporation, and Planning and Zoning Commission.
- d. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

**N. RECONVENE TO REGULAR MEETING**

The Town Council to reconvene into an open meeting to take any action deemed necessary as a result of the closed meeting.

**O. ADJOURN MEETING**

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was also posted on the Town's website in accordance with GC Section 551.056 on the following date and time: July 12, 2019, at 2:30 p.m., at least 72 hours prior to the scheduled time of said meeting.

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**Theresa Scott, Town Secretary**

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting by contacting Theresa Scott, Town Secretary, at (972) 874-6076.